

## Message Text

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15

ACTION EUR-12

INFO OCT-01 ISO-00 IO-13 SAJ-01 CIAE-00 DODE-00 PM-04 H-02

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 ACDA-07 /080 W  
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R 151153Z APR 76

FM AMEMBASSY BONN  
TO SECSTATE WASHDC 8153  
INFO AMEMBASSY MOSCOW  
USMISSION USBERLIN  
AMEMBASSY BERLIN  
AMEMBASSY PARIS  
AMEMBASSY LONDON  
USMISSION NATO BRUSSELS

CONFIDENTIAL BONN 06437

E.O. 11652: GDS  
TAGS: PFOR, PGOV, WB, GW, UR  
SUBJECT: SOVIET JANUARY 14 DEMARCHE TO FRG ON ELECTORAL  
LAW AND COURT DECISION: GERMAN REPLY

REFS: (A) BONN 1110; (B) MOSCOW 708

1. AT APRIL 13 BONN GROUP MEETING, FRG REP (HENZE)  
GAVE ALLIES TEXT OF TALKING POINTS USED BY FRG FONOFF  
IN REPLYING TO SOVIET JANUARY 14 PROTEST. FRG REPLY  
WAS DELIVERED IN BONN ON APRIL 2 BY MEYER-LANDRUT  
(FONOFF DIRECTOR FOR EAST-WEST AFFAIRS) TO  
SOVIET DCM TOKOVININ, WHO SAID HE WAS "NOT SATISFIED"  
WITH THE FRG REPLY.

2. INFORMAL EMBASSY TRANSLATION OF TEXT OF FRG TALKING  
POINTS FOLLOWS:

BEGIN TEXT: THE FEDERAL GOVERNMENT HAS TAKEN NOTE OF  
THE SOVIET FOREIGN MINISTRY STATEMENT OF JANUARY 14,  
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1976. NONETHELESS, IT CANNOT SHARE THE VIEWS

REPRESENTED THEREIN AND, IN PARTICULAR, MUST REJECT THE ACCUSATION THAT THE FRG VIOLATES EXISTING INTERNATIONAL TREATIES OR ACTS CONTRARY TO THE HELSINKI CONFERENCE. THIS ALSO HOLDS FOR THE TREATY OF AUGUST 12, 1970, BETWEEN THE FRG AND THE SOVIET UNION.

MOREOVER, THE FEDERAL GOVERNMENT EMPHASITICALLY POINTS OUT THAT THE ACTS CITED IN THE SOVIET STATEMENT ARE EXCLUSIVELY INTERNAL AFFAIRS OF THE FRG. BOTH THE DECISION OF THE FEDERAL CONSTITUTIONAL COURT OF JULY 7, 1975, AS WELL AS THE PUBLICATION OF THE MOST RECENT VERSION OF THE FEDERAL ELECTION LAW, OF WHICH PARAGRAPHS 54 AND 55 HAVE BEEN IN FORCE SINCE MAY 5, 1956, HAVE LEGAL EFFECT SOLELY WITHIN THE DOMESTIC SPHERE. THESE ACTS DO NOT HAVE ANY STANDING AT THE LEVEL OF INTERNATIONAL LAW.

FURTHERMORE, WITH RESPECT TO THE FEDERAL ELECTION LAW THE FEDERAL GOVERNMENT POINTS OUT THAT THIS LAW AND ITS AMENDMENTS HAVE BEEN TAKEN OVER EACH TIME IN BERLIN (WEST) IN AGREEMENT WITH THE THREE POWERS, IN ACCORDANCE WITH ESTABLISHED PROCEDURES.

IN SO FAR AS THE QUESTION OF GERMAN CITIZENSHIP IS RAISED ONCE AGAIN IN THE SOVIET STATEMENT, THE LEGAL POSITION OF THE FEDERAL GOVERNMENT IS KNOWN TO THE SOVIET GOVERNMENT. END TEXT.

HILLENBRAND

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